

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 26 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISIONJOHN F. CONRAD, CLERK
BY: 
DEPUTY CLERKMARK J. KONSAVICH,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:06-cv-00239

FINAL ORDERBy: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

that the petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED** without prejudice as premature.

The Clerk is directed to strike the case from the active docket of the court and to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 26th day of April, 2006.

United States District Judge